

REMARKS

The Office Action mailed December 31, 2003 set an initial three (3) month period for response. Thus, the time period in which to submit a timely response to the Office Action mailed December 31, 2003 without extension of time is March 31, 2004.

Applicants also note that they submit herewith a Terminal Disclaimer and a request that Applicant's attorneys Deposit Account be charged for the fee.

Claims 270 to 274 have been amended to more particularly point out and distinctly claim the isolated proteins of Applicants' invention having one or more Nematode-extracted Anticoagulant Protein domains and to correct certain minor errors pointed out by the Examiner. Applicants submit that these amends are clearly supported and give rise to no issue of new matter.

The Section 112, Second Paragraph Rejections

Claims 270 to 281 stand rejected under 35 U.S.C. § 112, second paragraph as assertedly indefinite. Applicants submit that this rejection is not well taken and that the claims as originally presented coupled with Section 112 as pending clearly comply with the second paragraph of Section 112.

a. SEQ ID NO:

The Examiner has objected to the term "SEQ. ID. NO:" in claims 270, 271, 272 and 273.

Applicants note that claims 270, 271, 272 and 273 have been amended to replace "SEQ. ID. NO:" with "SEQ. ID. NO:". Applicants note that the present application is a continuation

based on an earlier filed application and at the time this application was filed, "SEQ. ID. NO:" was considered as an acceptable designation to designate a particular sequence. Applicants note that in order to expedite prosecution of this application, "SEQ. ID. NO:" has been replaced with "SEQ ID NO:".

b. AcaNAPc2

The Examiner continues to assert that claims 270 to 274 are indefinite due to use of the term "AcaNAPc2".

In the specification the individual isolated Nematode-extracted Anticoagulant Proteins were identified by terms which included source designations. Applicants submit that the use of such terms to designate specific proteins is clearly not indefinite.

As Applicants have previously noted, the specification clearly defines the term AcaNAPc2 as one of a number of specific recombinant proteins of Applicants' invention termed a Nematode-extracted Anticoagulant Protein ("NAP"). The specification defines the term AcaNAPc2/proline as a NAP having the amino acid sequence of AcaNAPc2 and having an additional proline added at the C-terminal end of the sequence. Applicants note that the prefix "Aca" denotes that the source of the cDNA sequence encoding the Nematode-extracted Anticoagulant Protein designated AcaNAPc2 was *Ancylostoma caninum* (see, e.g., page 46, lines 30 to 40) and the amino acid sequence for the protein designated AcaNAPc2 is given in Figure 16. Applicants note that the cDNA encoding Nematode-extracted Anticoagulant Protein designated as AcaNAPc2/proline was obtained from a cDNA encoding AcaNAPc2. The cDNA encoding AcaNAPc2 and the expressed Protein are

described and clearly identified in Example 17 at pages 116 to 117 of the specification.

However, in order to expedite prosecution of this Application, the claims have been amended to spell out the term "AcaNAPc2" and "AcaNAPc2/proline" in the first instance of use if those terms.

c. Number of Periods

Claims 270, 271, 272 and 273 were rejected to be indefinite "because the claims include an extra number of periods" and the Examiner asserted that it was not clear where each of those claims ended.

Applicants note that the only extra periods present in those claims were as part of the term "SEQ. ID. NO:" and that it would be understood that the periods following "SEQ" and "ID" were part of the term "SEQ. ID. NO:" and did not designate the end of the claim. However, as noted above, the term "SEQ. ID. NO:" has been rewritten as "SEQ ID NO:", accordingly, there are no longer any of those so-called "extra periods."

d. Conclusion

Applicants submit that they have overcome the rejections of claims 270 to 274 under 35 U.S.C. §112, second paragraph. Applicants note that the 35 U.S.C. §112, second paragraph rejection(s) were applied to claims 275 to 282 because those claims were dependent on a rejected claim.

Applicants submit that in view of the above they have overcome the rejection of claims 270 to 282 under 35 U.S.C. § 112, second paragraph.

Applicants request that the Examiner reconsider this rejection and withdraw it.

The Obviousness-type Double Patenting Rejection

Claims 270 to 282 stand rejected under the judicially created doctrine of obviousness-type double patenting over commonly-assigned United States Patent No. 5,864,009.

Applicants note that submitted herewith is an appropriate Terminal Disclaimer and request that their attorneys' deposit account be charged for the fee.

In view of the submission of the Terminal Disclaimer, Applicants submit that they need not deal further with the present rejection.

CONCLUSION

In view of the foregoing, Applicants submit that they have overcome the outstanding rejections and claims 270 to 282 are allowable.

Applicants request that the claims be allowed and passed to issue.

If the Examiner believes that the telephonic interview would expedite prosecution of this application, she is encouraged to telephone Suzanne L. Biggs, the undersigned Applicants' attorney.

Should any additional fees be required with the present filing, or if the fee submitted is incorrect, please charge any such fee or credit any overpayment to Deposit Account No. 50-2212, Order Number 018813-0272487 for the appropriate amount.

Respectfully submitted,

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